

PAMELA Y. PRICE, ESQ. (STATE BAR NO. 107713)
 TEL CARY-SADLER, ESQ. (STATE BAR NO. 236536)
 PRICE AND ASSOCIATES
 A Professional Law Corporation
 The Latham Square Building
 1611 Telegraph Avenue, Suite 1450
 Oakland, CA 94612
 Telephone: (510) 452-0292
 Facsimile: (510) 452-5625
 E-mail: pypesq@aol.com

Attorneys for Plaintiff
 MARK K. SCHULTHIES

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

MARK K. SCHULTHIES,) NO. C08-5538 CW
)
Plaintiff,) STIPULATION AND ORDER
) TO ENLARGE TIME FOR PLAINTIFF TO
v.) FILE OPPOSITION TO DEFENDANTS' 12(b)(6)
) MOTION TO DISMISS PLAINTIFF'S SECOND
) AMENDED COMPLAINT
NATIONAL RAILROAD PASSENGER)
CORPORATION dba AMTRAK, JOSEPH)
W. DEELY, STEVEN SHELTON, and)
DOES 1 through 15 inclusive,)
)
Defendants.)
)

The parties, having met and conferred by and through their respective counsel, hereby stipulate that the Court may issue an Order to move the hearing date for Defendants' Rule 12(b)(6) Motion to Dismiss Plaintiff's Second Amended Complaint in this action and enlarge the time for Plaintiff's Opposition Brief up to and including fourteen (14) days prior to the hearing. The parties agree that the hearing date scheduled for November 19, 2009, at 2:00 p.m., may be continued to December 3, 2009, at 2:00 p.m., and Plaintiff's Opposition Brief may be filed and

1 served up to and including fourteen (14) days prior to the hearing. Good cause exists for this
2 Stipulation and brief continuance of the hearing to allow Plaintiff additional time to prepare his
3 Opposition Brief because after Defendants' motion was filed on October 9, 2009, Plaintiff's lead
4 counsel was required to travel out of the country for a family obligation from October 20, 2009 to
5 October 27, 2009.

6 **IT IS SO STIPULATED.**

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8 Dated: October 28, 2009

PRICE AND ASSOCIATES

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10 /s/ Pamela Y. Price
PAMELA Y. PRICE, Attorneys for Plaintiff
11 MARK K. SCHULTHIES
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13 Dated: October 28, 2009

JACKSON LEWIS LLP

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15 /s/ Dylan Carp
DYLAN CARP, Attorney for Defendants
16 NATIONAL RAILROAD PASSENGER
CORPORATION dba AMTRAK, JOSEPH W.
17 DEELY and STEVEN SHELTON

18 **ORDER**

19 Pursuant to the foregoing stipulation of the parties and good cause appearing therefore,
20 **IT IS HEREBY ORDERED** that the hearing date for Defendants' Motion to Dismiss shall be
21 continued to December 17, 2009. Plaintiff's Opposition Brief shall be e-filed by November 20, 2009.
22 Reply Dec. 3.

23 Dated: October 29, 2009

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HONORABLE CLAUDIA WILKEN
25 U.S. DISTRICT COURT JUDGE
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